97TH CONGRESS
2d Session

SENATE

EXECUTIVE REPT.
No. 97-51

PROTOCOL TO THE NORTH ATLANTIC TREATY ON THE ACCESSION OF SPAIN

MARCH 9 (legislative day, FEBRUARY 22), 1982.—Ordered to be printed

Mr. PERCY, from the Committee on Foreign Relations, submitted the following

REPORT

[To accompany Treaty Doc. No. 97-22]

The Committee on Foreign Relations, to which was referred the Protocol to the North Atlantic Treaty on the Accession of Spain, signed in Brussels on December 10, 1981, on behalf of the United States and the other parties of the North Atlantic Treaty, having considered the same, reports favorably thereon without reservation and recommends that the Senate give its advice and consent to ratification thereof.

PURPOSE

The purpose of the Protocol to the North Atlantic Treaty on the Accession of Spain is to provide the basis for the inclusion of Spain as a full member in the North Atlantic Treaty Organization. The desire of democratic Spain to assume a full partnership in NATO for the preservation of Western security is most commendable. Spanish entry into NATO will be a direct and material contribution to the security of the Atlantic Alliance. Spanish entry will also broaden the close bilateral security relationship that the United States has enjoyed with Spain since 1953. This relationship will entail for the first time the extension of a security commitment to Spain within the NATO framework. Paralleling Spanish accession to NATO are renegotiations between the United States and Spain of the bilateral agreement (Treaty of Friendship and Cooperation of January 24, 1976). The new agreement will preserve in force on a broadened basis, the joint use of military facilities in Spain. The request of democratic Spain for membership in NATO is a reaffirmation of both the common values and the continuing viability of the Western Alliance. Spanish NATO membership is in the interests of Spain, the Western Alliance, and the United States.

89-119 O

5384-6

BACKGROUND

The Protocol to the North Atlantic Treaty on the Accession of Spain was opened for signature at Brussels on December 10, 1981, and has been signed on behalf of the United States of America and the other parties to the North Atlantic Treaty. The Protocol enters into force when each of the other parties to NATO has notified the United States of its acceptance of the Protocol. Spain shall become a party to the Treaty, after this process, upon its deposit of its instrument of accession in accordance with the provisions of Article 10 of the Treaty.

Four of NATO's 15 members have already ratified Spanish membership: Canada, Iceland, Norway, and the United Kingdom. A number of other member countries are presently involved in the process of ratification. The goal is to complete the process as early as possible, by the mid-May 1982 meeting of NATO Foreign Ministers in Luxembourg, or certainly no later than the NATO Summit in Bonn in June.

NATO perspectives

From a strictly numerical standpoint, the Alliance's and-based strength would be increased by some 225,000 to 255,000 men in the Spanish Armed Forces. Once they have been trained and equipped to NATO standards, Spanish troops could constitute an important addition to NATO's strength, a substantial consideration at a time when the increasing disparity in combat power has become a matter of grave concern in Brussels, and NATO member states are economically hard-pressed to do all that might be desirable in redressing the military balance in Europe. Initially, the Spanish Navy and Air Force might make a greater contribution. The Navy has 8 submarines, 12 destroyers, 16 frigates, and one former U.S. Independence class carrier. The Spanish Air Force has U.S. F–4 Phantoms and two types of French Mirage fighters, plus assorted transport and traiving aircraft. Spain is also exploring the prospects of purchasing advanced U.S. fighter aircraft, either the F–16 or the F–18A or L.

But perhaps the most important contribution Spain can make to NATO at this time is geographical. Its location, combined with the bases already in use by the United States, or which could be developed, constitutes an important strategic asset. A NATO presence in Spain gives the Alliance a strong position in the strategically important Western Mediterranean. The Balearic Islands and the southern coast of Spain offer potential base locations for countering attempts to dominate the sea lanes of the Western Mediterranean by hostile forces based in North Africa, while Spain's Canary Island bases are particularly important for safeguarding the transit lanes of the large oil tankers bound for the North Atlantic. In addition, some observers envision Spain as a NATO training area because of its space and climate, and as a strategic redoubt for the rest of Europe. Sitting behind the Pyrenees, it could serve as a marshaling area from which air and sea attacks could be launched against Warsaw Pact forces, as a dispersal site for NATO aircraft to reduce their vulnerability, and as a transit center and supply depot for reinforcement from the United States.

Certainly the Soviet Union is well aware of Spain's strategic value and has sought for some time to keep Spain from strengthening either

its economic or its military ties to the West. To this end, the U.S.S.R. combined economic blandishments with psychological pressure. Trade and aid concessions were offered on the one hand, while Spanish, French, and Italian Communists put out the word that Spanish entry into NATO might trigger a Soviet move into Yugoslavia on the other.

From a political standpoint, the NATO governments have favored Spain's joining the Alliance as a means to consolidate Spanish democracy. They believe that the close association with other democracies will strengthen the democratic forces within Spain. At the same time, those forces within the Spanish military that are unsympathetic to democracy and essentially isolationist in their orientation would hopefully be encouraged to focus their energies on the new military responsibilities which Spain would be assuming. In short, it is hoped that NATO Membership will enhance the professionalism of the Spanish military and thereby diminish, if not eliminate, its interest in political power. The U.S. Administration supports Spain's entry into the organization for the same basic reason as the governments of other members, namely, to strengthen Spanish democracy and improve the strategic position of the Alliance.

Spanish perspectives

The NATO invitation to Spain followed the adoption by both houses of the Spanish parliament, by substantial majorities, of a resolution expressing a desire to join NATO. The parliamentary majority which voted in favor of NATO membership in the Cortes (lower house) on October 29 was composed of the main government party, the Union of the Democratic Center, plus the Democratic Coalition, a rightwing group, and moderate Basque and Catalan regional parties. The Union of the Democratic Center also dominated the favorable vote in the Senate. In general, those Spaniards favoring NATO membership tend to be located near the center of the political spectrum, shading into the moderate right and the left-center. They make the argument that it is important for Spain to strengthen its links with Western Europe. In their view, NATO membership should add to Spain's security and prestige. Furthermore, they contend that closer links to Europe's democratic governments will help consolidate Spanish democracy.

Finally, those military officers receptive to NATO membership see such a step as making a positive contribution to the modernization and improvement of Spain's armed forces, and hopefully at a somewhat lesser cost in collaboration with NATO than if Spain attempted it on her own. In addition, proponents of the Alliance maintain that membership could give the armed forces a clear-cut military mission on which they could focus their efforts.

Support of NATO membership is not universal in Spain. Organized political opposition to Spain's membership in NATO is based principally in the Socialist and Communist parties and their trade union allies. Anti-NATO sentiment exists in university and other intellectual quarters, and among anarchists and other fringe groups. On the right, many military officers, particularly older army generals, are said to oppose joining. Some apparently fear that membership in NATO will lead to erosion of the Army's political influence within Spain. Others are reluctant to expose the inadequacies in both training and arma-

BEST COPY AVAILABLE

ments which need to be remedied if Spain's armed forces are to make a significant contribution to NATO. Spain has a tradition of political and geographical isolation from the rest of Europe, and many Spaniards' reservations about NATO may well, in time, evolve into acceptance. Felipe Gonzalez, leader of the Spanish Socialist party, has stated that his party is not against the Alliance per se, but feels that Spain should not join NATO at this time. Gonzalez has close ties to West German Chancellor Schmidt and French President Mitterrand, who favor Spanish membership in NATO. While the Socialists opposed Spanish membership in the parliamentary debate, they have not orchestrated an attempt to mobilize widespread popular sentiment against Spain's joining. Since the Socialists may, in future, be in a position to form a Spanish government, the evolution of their attitudes toward NATO as practical experience with Spanish membership accumulates will be important. Gonzalez has pledged a popular referendum on NATO membership should the Socialists come to power.

The United States-Spanish bilateral relationship

The United States and Spain originally concluded mutual defense assistance agreements on September 26, 1953. Under these agreements, the United States was to furnish Spain with military assistance, receiving in return the right to develop, maintain, and utilize base facilities jointly with Spain on Spanish territory. Such facilities were to be under Spain's flag and command, with the United States exercising supervision of its own personnel, facilities, and equipment. These agreements, which had been renewed several times, were superseded by the 1976 Treaty of Friendship and Cooperation between the two countries and the seven supplementary agreements which accompanied the Treaty. In ratifying the 1976 Treaty, the Senate attached an Understanding that a purpose of the Treaty was to promote democracy in Spain, and takes Spain's democratic progress to the point of NATO accession as evidence of that purpose's realization. The Treaty and agreements cover bilateral military coordination, bases, materiel for the Spanish armed forces, and economic, cultural, and scientific cooperation. The United States has the right to use certain Spanish military bases and installations, the military facilities available as noted in Article V of the Treaty of Friendship and Cooperation and in Supplementary Agreement Number 6. These facilities include the Rota Naval Base, the Torrejon and Zaragoza Air Bases, the Bardenas Reales firing range, the Moron Air Base (currently on a standby status) and the Cadiz-Zaragoza pipeline.

There is little doubt that these facilities make a positive contribution to the effectiveness of military operations in Europe. In so doing, they contribute to the strength of the NATO alliance, for the U.S. presence in Spain serves the strategic interest of NATO.

The Treaty and its attendant agreements expired on September 21, 1981. On October 14, the President submitted to the Senate for advice and consent an exchange of notes with Spain extending the Treaty for an additional eight months to May 21, 1982. The Senate approved this extension on November 13. Intensive bilateral renegotiations are now in a late stage, attempting to satisfy both parties on, among other issues, the level of U.S. assistance for modernization of Spain's armed forces, and the specific conditions attaching to U.S. use of bases in

Spain. It is the hope and expectation of the Administration and the Congress that the May 21 deadline will be met.

If Spanish entry into NATO is completed before U.S. action on a renegotiated bilateral security pact, the proposal will be concluded as an executive agreement pursuant to the NATO Treaty, following the procedure for other NATO-related arrangements. Otherwise, the existing U.S.-Spanish Treaty will have to be extended for an additional period of time.

COMMITTEE ACTION

On February 4, 1982, the Committee put to then-Assistant Secretary of State for European Affairs Lawrence S. Eagleburger a number of questions on the desirability of Spanish membership in NATO during a hearing to consider his confirmation as Under Secretary of State for Political Affairs. A partial excerpt of that testimony follows:

> The CHAIRMAN. Now, to turn finally to the question of Spain and NATO, I have been extremely pleased with the recent return of Spain to democracy, and certainly we would appreciate having an assessment of the U.S.-Spanish relations and the importance that you do attach to the application of Spain for the NATO membership.
>
> At a time when NATO's cohesiveness and viability is being critically questioned in the press, I find Spain's NATO Membership application a reaffirmation of the fundamental principles of the North Atlantic Treaty Organization, a group of sovereign nations sharing common values and aspirations and committed to working together despite differences to guarantee the security, prosperity, and defense of Western democracy.
>
> The Committee will soon have before it the Protocol of the North Atlantic Treaty on the accession of Spain. Could you bring to the Committee's attention any matters that you feel we should be aware of before we pass the Protocol out of the Committee to the Senate floor for ratification?
>
> Mr. EAGLEBURGER. Mr. Chairman, I will be happy to go into detail for the record. But you yourself have stated more eloquently than I think I can the importance we all often attach to Spanish entry into NATO at a time when everybody is talking about how sick the Alliance is, how much trouble it has.
>
> It seems to me that, in fact, we are demonstrating how healthy the Alliance really is by the whole process of bringing democratic Spain—and I emphasize—a democratic Spain, into the Alliance. And I think in terms of that question of Spanish democracy, it is terribly important that we do everything we can to tie Spain to Western institutions, to have those people be able to deal with Western parliamentarians who also have a commitment to democracy.
>
> Every tie we can create between Spain and Western Europe and the United States, institutional tie, in fact I think strengthens the whole process of democracy in Spain. Spanish entry into the Alliance in terms of territory and strategic significance is important. It makes it easier for us to deal

BEST COPY AVAILABLE

with problems of Western European defense because Spain is integrated into the command structure.

I think it is important that we demonstrate to the Spanish people, and indeed to some of our other Western European allies who are a bit less enthusiastic about Spanish entry, how much the United States, how much importance we place on Spanish entry.

I would urge the Committee and the Senate to move as quickly as reasonably possible to agree to the accession of Spain because I think that will send a signal not only to Spanish democrats but indeed to the rest of the Alliance on the importance we place on it.

The CHAIRMAN. How vital strategically is Spain to the maintenance of Western security?

Mr. EAGLEBURGER. I think we have recognized for years that Spain was vital to the defense of Western Europe. And indeed, because they were not members of NATO, we had to arrange all sorts of bilateral arrangements with them, which, in effect, made it possible for us to use Spanish territory in the defense of Europe.

What I think is important, one of the very important, facts of Spanish entry is that it brings the Spanish military into the integrated command structure. It makes it far easier for us to deal with Spain as a part of Europe in planning our defensive arrangements than it was when we had to deal with them on a bilateral basis.

On March 1, 1982, the Committee received a classified briefing from Acting Assistant Secretary of State for European Affairs Allen Holmes on the progress of ratification by other NATO governments, the desirability of early U.S. action, and the progress of bilateral Spanish-U.S. negotiations. The classified transcript of this briefing, as well as additional testimony of Under Secretary Eagleburger in the record of the February 4 hearing, are available to Senators in the Committee's Capitol offices.

On March 2, the Committee favorably reported the Protocol to the North Atlantic Treaty on the Accession of Spain by a voice vote. The Committee is not aware of any opposition to the Protocol.

ENTRY INTO FORCE

The Protocol enters into force when each of the other parties to NATO has notified the United States of its acceptance of the Protocol. Spain shall become a party to the Treaty, after this process, upon its deposit of its instrument of accession in accordance with the provisions of Article 10 of the Treaty.

RESOLUTION OF RATIFICATION

Resolved, (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the Protocol to the North Atlantic Treaty on the Accession of Spain, signed in Brussels on December 10, 1981, on behalf of the United States and the other parties to the North Atlantic Treaty.

○

BEST COPY AVAILABLE